IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3449 of 2005

Between:

Virodhi Narasimha Murthy, S/o.Appanna,
R/o.Gangampalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godavari District.

... PETITIONER

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Mandal Revenue officer, Gokavaram Mandal, Gokavaram, E.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in resorting to evict the petitioner from the lands in survey Nos.118/1 to an extent of Ac.1-10 cents, 118/2 to an extent of Ac.2-33 cents, and 118/3 to an extent of Ac.1-03 cents, situated at Gangampalem village, H/o.Tirumalaipalem, Gokavaram Mandal, East Godavari District, as highly illegal, arbitrary, unjust, violative of Article 300-A and Article 31A(1) and Article 21 of the Constitution of India and in violation of the principles of natural justice and consequently direct the respondents not to evict the petitioner from the above lands and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in resorting to evict the petitioner from the lands to an extent in Sy.No.118/1, Ac.1.10 cents, Sy.No.118/2, Ac.2.33 cents and Sy.No.118/3, Ac.1.03 cents, situated at Gangampalem Village, Hamlet of Tirumalaipalem, Gokavaram Mandal, East Godavari District is arbitrary and illegal.

The petitioner claims to be the owner and possessor of the said lands and it is alleged that the respondents have been interfering with his possession without following due process of law.

Having regard to the assertions made by the petitioner and having heard the learned counsel for the petitioner as well as learned Government Pleader for Revenue appearing for the respondents, without expressing any opinion as to the ownership claimed by the petitioner, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the lands in question without following due process of law.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 03-03-2005

Note: Furnish C.C. in three days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, E.G.District, Kakinada.
2 The Mandal Revenue Officer, Gokavaram Mandal, Gokavaram, E.G.District.

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings,
Hyderabad. (O.U.T.)

4 Two C.D. copies.